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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,434	11/12/2003	Alan E. Thomas	03-059	7877
30058	7590	03/20/2006	EXAMINER	
COHEN & GRIGSBY, P.C. 11 STANWIX STREET 15TH FLOOR PITTSBURGH, PA 15222			KOHNER, MATTHEW J	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,434	THOMAS ET AL.	
	Examiner	Art Unit	
	Matthew J. Kohner	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 recites the limitation "said first non-rotatable disc" and "said second non-rotatable disc" in line 16 of claim 1 and line 17 of claim 2. There is insufficient antecedent basis for these limitations in the claim. It appears the language should be "said first rotatable disc" and "said second rotatable disc"

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,453,347 to Redeker et al. (*hereinafter* "Redeker") in view of US Patent No. 6,561,341 to Kouda et al. (*hereinafter* "Kouda").

In regard to claims 1 and 5, Redeker discloses an apparatus for handling manufactured ferrous components (6) for inspection comprising:

- a first rotatable disc (26) having an inspection side surface (see e.g. inspection zones 41 and 46) on which said components are carried and a noninspection-side surface, said first rotatable disc operable to rotate in a first direction;
- a magnetic force (col. 4, lines 3-4) to secure said components to said inspection-side surface of said first rotatable disc;
- a second rotatable disc (27) having an inspection side surface (see e.g. inspection zones 54 and 57) and a noninspection-side surface, said second rotatable disc operable to rotate in a second direction and, at a point of overlapping, overlapping a portion of said first rotatable disc such that said inspection-side surface of said second rotatable disc faces said inspection-side surface of first rotatable disc (see e.g. Fig. 1; see also col. 6, 35 *et seq.*); and
- a second magnet having a higher magnetic force than said magnetic force of said first nonrotatable magnet thereby causing said components to be transferred from said first rotatable disc to said second rotatable disc at said point of overlapping and operable to apply magnetic force to secure said components to said inspection-side surface of said second rotatable disc (col. 6, 35 *et seq.*).

Redeker does not disclose a first non-rotatable magnet adjacent to said non-inspection side surface of said first rotatable disc or a second non-rotatable magnet adjacent to a non-inspection side surface of the second rotatable disc. However, Kouda discloses using a non-rotatable permanent magnet (43) underneath a rotatable disc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Redeker to substitute a non-rotatable magnet

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underneath or above the rotating disc, as taught by Kouda, because the magnet would provide a magnetic force to keep work pieces in position on the disc while being less complex (in that the electromagnet has to be controlled to energize and deenergized at particular locations in the rotation of the disc, see col. 2. lines 32 *et seq.*) and less expensive than the electromagnet disclosed by Redeker.

In regard to claims 2 and 6, Redeker discloses replacing the magnetic force with suction ports (col. 4, lines 46 *et seq.*).

In regard to claim 7, see e.g. inspection zones (41/46 and 54/57)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redeker in view of Kouda in further in view of US Patent No. 5,588,068 to Longest et al. (*hereinafter* "Longest").

In regard to claim 4, Redeker discloses an infeed sensor (first inspection zone 41 checks the number of work pieces) and a drive shaft (36; see also col. 5, lines 37-52). While Redeker does disclose a second inspection zone for determining position of the work piece, Redeker does not disclose a camera, strobe or shaft encoder. However, Longest discloses a camera, strobe and shaft encoder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Redeker, in view of Kouda, to have inspection system with a camera, strobe and shaft encoder, as taught by Longest, because this connection enables a processor to resolve exactly when an item is located directly opposite the camera (see Longest col. 6, lines 57-58).

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-11 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Matthew J. Kohner
Examiner
Art Unit 3653